

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:21-00131

SCOTT MEADOWS
CHRISTOPHER LARRY GROSS

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of defendant Christopher Larry Gross ("defendant") for a continuance of trial and all related deadlines. (ECF No. 124.) Defendant asks that trial and the associated deadlines be continued for approximately sixty days. In support of defendant's motion, counsel for defendant explains that discovery is voluminous and that additional discovery was filed earlier this month. The government does not oppose the motion. Defendant's co-defendant, Scott Meadows, does not object to the requested continuance, but his counsel is scheduled to begin another trial on September 13, 2022, which trial is expected to last three days. (See ECF No. 125.)

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of defendants and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the motion to continue. In deciding to grant the motion,

the court considered the factors outlined in 18 U.S.C.

§ 3161(h) (7) (B) and finds that denying the motion “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” Id. § 3161(h) (7) (B) (iv).

Accordingly, the court hereby **ORDERS** as follows:¹

1. The deadline for the filing of pretrial motions is continued to **July 25, 2022;**
2. The Pretrial Motions Hearing is continued to **August 1, 2022, at 11:30 a.m.** in Bluefield;
3. Jury Instructions and Proposed Voir Dire are due by **August 30, 2022;**
4. Trial of this action is continued to **September 6, 2022, at 9:30 a.m.** in Bluefield; and
5. Pursuant to 18 U.S.C. § 3161(h) (7) (A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

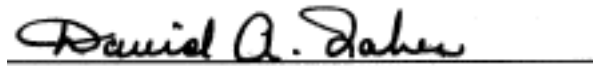
The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the

¹ As no motion for severance has been granted, these new dates (and the court’s findings regarding excludable time under the Speedy Trial Act) apply to defendant Scott Meadows as well.

Probation Office of this court.

IT IS SO ORDERED this 29th day of June, 2022.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge